

Section 2. Personnel Clearances

2-200. General.

a. An employee may be processed for a personnel clearance (PCL) when the contractor determines that access is essential in the performance of tasks or services related to the fulfillment of a classified contract. A PCL is valid for access to classified information at the same, or lower, level of classification as the level of the clearance granted.

b. The CSA will provide written notice when an employee's PCL has been granted, denied, suspended, or revoked. The contractor shall immediately deny access to classified information to any employee when notified of a denial, revocation or suspension. The CSA will also provide written notice when processing action for PCL eligibility has been discontinued. Contractor personnel may be subject to a reinvestigation program as specified by the CSA.

c. Within a multiple facility organization (MFO), PCLs will be issued to a company's home office facility (HOF) unless an alternative arrangement is approved by the CSA. Cleared employee transfers within an MFO, and classified access afforded thereto, shall be managed by the contractor.

d. The contractor shall limit requests for PCLs to the minimal number of employees necessary for operational efficiency, consistent with contractual obligations and other requirements of this Manual. Requests for PCLs shall not be made to establish "pools" of cleared employees.

e. The contractor shall not submit a request for a PCL to one agency if the employee applicant is cleared or is in process for a PCL by another agency. In such cases, to permit clearance verification, the contractor should provide the new agency with the full name, date and place of birth, current address, social security number, clearing agency, and type of clearance.

2-201. Investigative Requirements. Investigations conducted by a Federal Agency shall not be duplicated by another Federal Agency when those investigations are current within 5 years and meet the scope and standards for the level of PCL required. The types of investigations required are as follows:

a. Single Scope Background Investigation (SSBI). An SSBI is required for TOP SECRET, Q, and SCI access. Investigative requests shall be made using the Standard Form (SF) 86.

b. National Agency Check with Local Agency Check and Credit Check (NACLC). An NACLC is required for a SECRET, L, and CONFIDENTIAL PCL. Investigative requests shall be made using the SF 86.

c. Polygraph. Agencies with policies sanctioning the use of the polygraph for PCL purposes may require polygraph examinations when necessary. If issues of concern surface during any phase of security processing, coverage will be expanded to resolve those issues.

2-202. Common Adjudicative Standards. Security clearance and SCI access determinations shall be based upon uniform common adjudicative standards.

2-203. Reciprocity. Federal agencies that grant security clearances (TOP SECRET, SECRET, CONFIDENTIAL, Q or L) to their employees or their contractor employees are responsible for determining whether such employees have been previously cleared or investigated by the Federal Government. Any previously granted PCL that is based upon a current investigation of a scope that meets or exceeds that necessary for the clearance required, shall provide the basis for issuance of a new clearance without further investigation or adjudication unless significant derogatory information that was not previously adjudicated becomes known to the granting agency.

2-204. Pre-employment Clearance Action. Contractors shall not initiate any pre-employment clearance action unless the recruitment is for a specific position that will require access to classified information. Contractors shall include the following statement in such employment advertisements: "Applicants selected will be subject to a government security investigation and must meet eligibility requirements for access to classified information." The completed PCL application may be submitted to the CSA by the contractor prior to the date of employment, provided a written commitment for employment has been made by the contractor that prescribes a fixed date for employment within the

ensuing 180 days, and the candidate has accepted the employment offer in writing.

2-205. Contractor-Granted Clearances.

Contractors are no longer permitted to grant clearances. *As of January 1, 2004, Contractor-granted Confidential clearances will no longer be valid for access to any classified information.* Contractor-granted Confidential clearances in effect under previous policy are not valid for access to: Restricted Data; Formerly Restricted Data; COMSEC information; Sensitive Compartmented Information; NATO information (except RESTRICTED); Critical or Controlled Nuclear Weapon Security positions; and classified foreign government information.

2-206. Verification of U.S. Citizenship. The contractor shall require each applicant for a PCL who claims U.S. citizenship to produce evidence of citizenship. A PCL will not be granted until the contractor has certified the applicant's U.S. citizenship.

2-207. Acceptable Proof of Citizenship.

a. For individuals born in the United States, a birth certificate is the primary and preferred means of citizenship verification. Acceptable certificates must show that the birth record was filed shortly after birth and it must be certified with the registrar's signature. It must bear the raised, impressed, or multicolored seal of the registrar's office. The only exception is if a state or other jurisdiction does not issue such seals as a matter of policy. Uncertified copies of birth certificates are not acceptable. A delayed birth certificate is one created when a record was filed more than one year after the date of birth. Such a certificate is acceptable if it shows that the report of birth was supported by acceptable secondary evidence of birth. Secondary evidence may include: baptismal or circumcision certificates, hospital birth records, or affidavits of persons having personal knowledge about the facts of birth. Other documentary evidence can be early census, school, or family bible records, newspaper files, or insurance papers. All documents submitted as evidence of birth in the U.S. shall be original or certified documents.

b. If the individual claims citizenship by naturalization, a certificate of naturalization is acceptable proof of citizenship.

c. If citizenship was acquired by birth abroad to a U.S. citizen parent or parents, the following are acceptable evidence:

(1) A Certificate of Citizenship issued by the Immigration and Naturalization Service (INS).

(2) A Report of Birth Abroad of a Citizen of the United States of America (Form FS-240).

(3) A Certificate of Birth (Form FS-545 or DS-1350).

d. A passport, current or expired, is acceptable proof of citizenship.

e. A Record of Military Processing-Armed Forces of the United States (DD Form 1966) is acceptable proof of citizenship, provided it reflects U.S. citizenship.

2-208. Letter of Notification of Personnel Clearance (LOC). An LOC will be issued by the CSA to notify the contractor that its employee has been granted a PCL. Unless terminated, suspended or revoked by the Government, the LOC remains effective as long as the employee is continuously employed by the contractor.

2-209. Representative of a Foreign Interest. The CSA will determine whether a Representative of a Foreign Interest (RFI) is eligible for a clearance or continuation of a clearance.

a. An RFI must be a U.S. citizen to be eligible for a PCL.

b. The RFI shall submit a statement that fully explains the foreign connections and identifies all foreign interests. The statement shall contain the contractor's name and address and the date of submission. If the foreign interest is a business enterprise, the statement shall explain the nature of the business and, to the extent possible, details as to its ownership, including the citizenship of the principal owners or blocks of owners. The statement shall fully explain the nature of the relationship between the applicant and the foreign interest and indicate the approximate percentage of time devoted to the business of the foreign interest.

2-210. Non-U.S. Citizens. Only U.S. citizens are eligible for a security clearance. Every effort shall be made to ensure that non-U.S. citizens are not employed in duties that may require access to classified information. However, compelling reasons may exist to grant access to classified information to an immigrant alien or a foreign national. Such individuals may be granted a Limited Access Authorization (LAA) in those rare circumstances

where the non-U.S. citizen possesses unique or unusual skill or expertise that is urgently needed to support a specific U.S. Government contract involving access to specified classified information and a cleared or clearable U.S. citizen is not readily available. In addition, the LAA may only be issued under the following circumstances:

a. With the concurrence of the GCA in instances of special expertise.

b. With the concurrence of the CSA in furtherance of U.S. Government obligations pursuant to U.S. law, treaty, or international agreements.

2-211. Access Limitations of an LAA. An LAA granted under the provisions of this Manual is not valid for access to the following types of information.

a. TOP SECRET information.

b. Restricted Data or Formerly Restricted Data.

c. Information that has not been determined releasable by a U.S. Government Designated Disclosure Authority to the country of which the individual is a citizen.

d. COMSEC information.

e. Intelligence information.

f. NATO Information. However, foreign nationals of a NATO member nation may be authorized access to NATO Information provided that: (1) A NATO Security Clearance Certificate is obtained by the CSA from the individual's home country; and (2) NATO access is limited to performance on a specific NATO contract.

g. Information for which foreign disclosure has been prohibited in whole or in part; and

h. Information provided to the U.S. Government in confidence by a third party government and classified information furnished by a third party government.

2-212. Interim Clearances. Interim TOP SECRET PCLs shall be granted only in emergency situations to avoid crucial delays in precontract negotiation, or in the award or performance on a contract. The contractor shall submit applications for Interim TOP SECRET PCLs to the pertinent GCA for endorsement. Applicants for TOP SECRET, SECRET, and CONFIDENTIAL PCLs may be

routinely granted interim PCLs at the SECRET or CONFIDENTIAL level, as appropriate, provided there is no evidence of adverse information of material significance. The interim status will cease if results are favorable following completion of full investigative requirements. At that time the CSA will issue a new LOC. Non-U.S. citizens are not eligible for interim clearances.

a. An interim SECRET or CONFIDENTIAL PCL is valid for access to classified information at the level of the interim PCL granted, except for Sensitive Compartmented Information, Restricted Data, COMSEC Information, SAP, and NATO information. An interim TOP SECRET PCL is valid for access to TOP SECRET information and Restricted Data, NATO Information and COMSEC information at the SECRET and CONFIDENTIAL level.

b. An interim PCL granted by the CSA negates any existing contractor-granted CONFIDENTIAL clearance. When an interim PCL has been granted and derogatory information is subsequently developed, the CSA may withdraw the interim pending completion of the processing that is a prerequisite to the granting of a final PCL.

c. When an interim PCL for an individual who is required to be cleared in connection with the FCL is withdrawn, the interim FCL will also be withdrawn, unless action is taken to remove the individual from the position requiring access.

d. Withdrawal of an interim PCL is not a denial or revocation of the clearance and is not appealable during this stage of the processing.

2-213. Consultants. A consultant is an individual under contract to provide professional or technical assistance to a contractor or GCA in a capacity requiring access to classified information. The consultant shall not possess classified material off the premises of the using (hiring) contractor or GCA except in connection with authorized visits. The consultant and the using contractor or GCA shall jointly execute a consultant certificate setting forth respective security responsibilities. The using contractor or GCA shall be the consumer of the services offered by the consultant it sponsors for a PCL. For security administration purposes, the consultant shall be considered an employee of the hiring contractor or GCA. The CSA shall be contacted regarding security procedures to be followed should it become necessary for a consultant

to have custody of classified information at the consultant's place of business.

2-214. Concurrent PCLs. A concurrent PCL can be issued if a contractor hires an individual or engages a consultant who has a current PCL (LOC issued to another contractor). The gaining contractor must be issued an LOC prior to the employee having access to classified information at that facility. Application shall be made by the submission of the CSA designated form.

2-215. Converting PCLs to Industrial Clearances. PCLs granted by government agencies may be converted to industrial clearances when: (a) A determination can be made that the investigation meets standards prescribed for such clearances; (b) No more than 24 months has lapsed since the date of termination of the clearance; and, (c) No evidence of adverse information exists since the last investigation. Contractors employing persons eligible for conversion of clearance may request clearance to the level of access required by submitting the CSA designated form to the CSA. Access may not be granted until receipt of the LOC. The following procedures apply.

a. Former DOE and NRC Personnel. A Q access authorization can be converted to a TOP SECRET clearance. An L access authorization can be converted to a SECRET clearance. Annotate the application: "DOE (or NRC) Q (or L) Conversion Requested."

b. Federal Personnel. Submit a copy of the "Notification of Personnel Action" (Standard Form 50), which terminated employment with the Federal Government with the application.

c. Military Personnel. Submit a copy of the "Certificate of Release or Discharge From Active Duty" (DD Form 214).

d. National Guard and Reserve Personnel in the Ready Reserve Program. Include the individual's service number, the identity and exact address of the unit to which assigned, and the date such participation commenced on the application. For those individuals who have transferred to the standby or retired Reserve, submit a copy of the order effecting such a transfer.

2-216. Clearance Terminations. The contractor shall terminate a PCL (a) Upon termination of employment; or (b) When the need for access to classified information in the future is reasonably

foreclosed. Termination of a PCL is accomplished by submitting a CSA-designated form to the CSA.

2-217. Clearance Reinstatements. A PCL can be reinstated provided (a) No more than 24 months has lapsed since the date of termination of the clearance; (b) There is no known adverse information; (c) The most recent investigation must not exceed 5 years (TS, Q) or 10 years (SECRET, L); and (d) Must meet or exceed the scope of the investigation required for the level of PCL that is to be reinstated or granted. A PCL can be reinstated at the same, or lower, level by submission of a CSA-designated form to the CSA. The employee may not have access to classified information until receipt of the LOC.

2-218. Procedures for Completing the SF 86. The SF 86 shall be completed jointly by the employee and the contractor. Contractors shall inform employees that part 2 of the SF 86 may be completed in private and returned to security personnel in a sealed envelope. The contractor shall not review any information that is contained in the sealed envelope. The contractor shall review the remainder of the application to determine its adequacy and to ensure that necessary information has not been omitted. The contractor shall ensure that the applicant's fingerprints are authentic, legible, and complete to avoid subsequent clearance processing delays. An employee of the contractor shall witness the taking of the applicant's fingerprints to ensure that the person fingerprinted is, in fact, the same as the person being processed for the clearance. All PCL forms required by this Section are available from the CSA.

2-219. Records Maintenance. The contractor shall maintain a current record at each facility (to include uncleared locations) of all cleared employees. Records maintained by a HOF and/or PMF for employees located at subordinate facilities shall include the name and address at which the employee is assigned. When furnished with a list of cleared personnel by the CSA, contractors are requested to annotate the list with any corrections or adjustments and return it at the earliest practical time. The reply shall include a statement by the FSO certifying that the individuals listed remain employed and that a PCL is still required. *When the SF 86 is submitted to the CSA electronically, the contractor shall retain an original, signed copy of the SF 86 and Authority for Release of Information and Records until the clearance process has been completed.*